GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

EFS&T Department- Diversion of 4.59 Ha. of forest land for quarrying of Road Metal, in Sy.No.361 of Sangam Village & Mandal, Sangam R.F., SPSR Nellore Division / District, in favour of Smt. D.Mamatha Rani, Nellore - Permission accorded - Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Section-II) DEPARTMENT

G.O.MS.No. 8 **Dated: 25-01-2018**

Read the following:-

1. From PCCF& HoFF, AP, Lr Rc.No.8454/2011/F2, Dated.31-10-2011
2. State Govt. Lr.No.8013/Forest-I/2011, Dt.10-7-2012.
3. From PCCF& HoFF, AP, Lr Rc.No.8454/2011/FCA-2, Dated.3-11-2015
4. State Govt. Lr.No.8013/Section-II/2011, Dt.12-2-2016.
5. From GoI, MoEF& C.C, Lr.No. 4-APB895/2012-BAN/0422, Dt.14-3-2017.
6. State Govt. Lr.No.8013/Section-II/2011, Dt.7-12-2017.
7. From GoI, MoEF& C.C, Lr.No. 4-APB895/2012-BAN/2028, Dt.18-12-2017.

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ORDER:

The Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, in his letter 1st read above, has submitted a proposal under Forest (Conservation) Act, 1980, for diversion of 3.89 ha of forest land for quarrying of Road Metal, in Sy.No.361 of Sangam Village & Mandal, Sangam R.F., SPSR Nellore Division / District, in favour of Smt. D.Mamatha Rani, Nellore and requested to forward the same to Government of India, Ministry of Environment, Forests & Climate Change, for according necessary approval under Section-2 of Forest (Conservation) Act, 1980.

2. The said proposal was sent to Government of India, Ministry of Environment, Forests & Climate Change, for their approval under Section-2 of Forest (Conservation) Act, 1980 vide State Government letter 2nd read above.

3. Subsequently, the Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, in his letter 3rd read above has submitted revised proposal for diversion of 4.59 Ha duly identifying the safety zone area as per the guidelines of Government of India, Ministry of Environment, Forests & Climate Change. The same was forwarded to Government of India, Ministry of Environment, Forests & Climate Change, for approval vide State Government letter 4th read above.

4. Government of India, Ministry of Environment, Forests & Climate Change, vide their letter 5th read above, have accorded in-principle (Stage-I) approval under Section-2 of Forest (Conservation) Act, 1980, for the proposal, subject to compliance of certain conditions as stipulated therein. Accordingly, the State Government vide letter 6th read above, have furnished compliance report on the conditions stipulated by the Government of India, Ministry of Environment, Forests & Climate Change, while according in-principle (Stage-I) approval.

5. Government of India, Ministry of Environment, Forests & Climate Change, in their letter 7th read above, have accorded (Stage-II) approval under Section-2 of Forest (Conservation) Act, 1980, for diversion of 4.59 Ha. of forest land for quarrying of Road Metal, in Sy.No.361 of Sangam Village & Mandal, Sangam R.F., SPSR Nellore Division / District, in favour of Smt. D.Mamatha Rani, Nellore, subject to compliance of certain conditions as stipulated therein.

6. Government after careful examination of the proposal, hereby accord permission to the Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, for diversion of 4.59 Ha. of forest land for quarrying of Road Metal, in Sy.No.361 of Sangam Village & Mandal, Sangam R.F, SPSR Nellore Division / District, in favour of Smt. D.Mamatha Rani, Nellore, subject to the following conditions:-

(i) The legal status of the diverted forest land shall remain unchanged.

(ii) The non-forest land identified for raising compensatory Afforestation shall be notified by the State Government as Reserve Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, or under the relevant Section (s) of the State Forest Act latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification to the Central Government for information and record;

(iii) Compensatory Afforestation (CA) shall be taken up by the State Forest Department over 3.96 Ha extent of identified non-forest land in Sy.No.2/1 of Devulapalli Village, Dakkili Mandal of Sri Potti Sriramulu Nellore District. Identified non-forest land for Compensatory Afforestation shall not be changed without prior approval of Central Government.

(iv) Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from User Agency.

(v) Period of diversion of the said forest land under this approval shall be for a period of 10 years or co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Amendment Act, 2015, or Rules framed there under whichever is earlier.

(vi) The State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 meters from outer perimeter of the mining lease at the project cost;

(vii) The State Forest Department shall undertake afforestation on degraded forest land, one and half times in extent to the area used for safety zone at the cost of User Agency;

(viii) No damage to the flora and fauna of the adjoining area shall be caused;

(ix) Following activities shall be undertaken by the User Agency at the project cost;

a) Preparation and implementation of a plan containing appropriate mitigative measures to minimize soil erosion and choking of streams;

b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;

c) Construction of check dams, retention /toe walls along the contour to prevent the sliding down of the excavated material

(x) The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Additional Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed;

(xi) The User Agency shall obtain the Environmental Clearance as per the Environment (Protection) Act, 1986.

(xii) The User Agency either himself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone (7.5 meter strip all along the outer boundary of the mining lease or mining cluster, as applicable, and such other areas as specified in the approved mining plan) at the project cost;

(xiii) No labour camp shall be established on the forest land;

(xiv) The User Agency shall undertake de-silting of the village tanks and other water bodies located within 5 km from the mine lease boundary so as to mitigate the impact of siltation of such tanks / water bodies, whenever required;

(xv) The User Agency in consultation with the State Government shall create and maintain alternate habitat / home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area (including forest area and human settlements), adjoining the forest area;

(xvi) The User Agency shall provide fuels for cooking preferably alternate fuels like gas /kerosene the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest area;

(xvii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

(xviii) The forest land shall not be used for any purpose other than that specified in the proposal and the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.

(xix) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;

(xx) The total forest area utilized for the project shall not exceed 4.59 hectares including safety zone area;

(xxi) The User Agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly;

(xxii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

(xxiii) The consent of Andhra Pradesh State Pollution Control Board shall be obtained under Air and Water Act before commencement of mining operation;

(xxiv) A comprehensive monitoring shall be done at the end of five years to study the impact of mining on the surrounding flora and fauna and its watershed. If it is found that the lessee has violated or is not complying with the stipulated conditions, then the approval given under the Forest (Conservation) Act, 1980 shall be revoked;

(xxv) Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Chennai may impose from time to time for protection, improvement of flora and fauna in the forest area in public interest shall be complied by the user agency.

(xxvi) In the event of failure to comply with any of the above conditions the user agency is liable to pay penalty as decided by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Chennai.

7. The Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Principal Chief Conservator of Forests & Head of Forest Force,

Andhra Pradesh, Guntur.

Copy to:

The Additional Principal Chief Conservator of Forests (Central)
Government of India, Ministry of Environment & Forests,
Regional Office, 1st and 2nd Floors,
Handloom Export promotion Council Building
34, Cathedral Garden Road, Nungambakkam, Chennai – 600034.

Smt. D. Mamatha Rani,
Flat No.1, Sreenivasa residency, Saraswathi Nagar, Nellore District- 524003.

// FORWARDED :: BY ORDER //

SECTIONOFFICER